BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA
KI OTAUTAHI

ENV-2018-CHC-34

IN THE MATTER OF	The Resource Management Act 1991
AND	
IN THE MATTER OF	Appeals under clause 14 of the First Schedule to the Act
BETWEEN	**BEEF+LAMB NEW ZEALAND LIMITED**
	Appellant
AND	**SOUTHLAND REGIONAL COUNCIL**
	Respondent

BRIEF OF EVIDENCE OF RENE ANNE CORNER-THOMAS FOR BEEF+LAMB NEW ZEALAND LIMITED
20 December 2021

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QUALIFICATIONS AND EXPERIENCE

1. My full name is Rene Anne Corner-Thomas.

2. I am employed by Massey University as a senior lecturer in Animal Science. My position is split between the School of Veterinary Science (40%) and the School of Agriculture and Environment (60%). Prior to this I was employed as a lecturer (2015 to 2018), research officer (2012 to 2015) and research assistant (2001 to 2003).

3. I have a PhD in Animal Science (2007) and a Master of Veterinary Studies (2001) from Massey University. I have a Bachelor of Science from Melbourne University (1998).

4. My areas of expertise include sheep behaviour, nutrition, reproduction and welfare. I have 17 years of experience in conducting sheep research studies.

5. I have been involved in a series of studies examining ewe and lamb behaviour in the early post-partum period. In addition, I have used GPS technology to investigate the impacts of parasitism on the behaviour of sheep. Over the last five years I have conducted studies to examine the drinking behaviour of sheep and the impacts of water restriction on lamb and ewe growth and behaviour.

6. I have been the lead or co-author on 54 peer reviewed journal articles and 27 conference papers and at least 42 other forms of dissemination such as farmer talks and rural press articles.

7. I am the president of the New Zealand Society of Animal Production (2019-2021) and a member of both the Massey University and Kaiawhina Animal Ethics Committees.

8. I confirm this evidence has been prepared in accordance with the Code of Conduct for Expert Witnesses set out in the 2014 Environment Court Practice Note. I confirm that the opinions I express in this statement represent a summary of my true and complete professional opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

9. I have attached a copy of my curriculum vitae as RCT-1.

SCOPE OF EVIDENCE

10. I have been asked by B+LNZ to prepare evidence on the behaviour of sheep around waterways. I am advised this arises from an appeal on rule 70 Proposed Southland Water and Land Plan (**PSWLP**).

11. To discuss this issue, I will first describe the water requirements of sheep. I will then outline specific studies I am aware of and, in some case contributed to, addressing sheep interaction with unfenced water bodies. My conclusion is fencing of waterways would only have minor impact on sheep interaction with those waterways given their water requirements and associated behaviours

12. In preparing this evidence I confirm I have read:

    (a) Will say statements of:

        (i) R Corner-Thomas.

        (ii) D Stevens.

        (iii) C Duncan.

        (iv) D Dalley.

        (v) K McArthur.

        (vi) J Kiston.

        (vii) A Roberts.

        (viii) R Monaghan.

        (ix) T Snelder.

    (b) Joint witness statement of land management / farm systems experts 22 November 2021.

    (c) Evidence in chief of T Orchiston.

EXPERT WITNESS CONFERENCING

13. I participated in expert conferencing for land management / farm systems experts on 22 November 2021. I prepared a will say statement in advance of conferencing that addressed the matter of interest to B+LNZ that were within my expertise.

14. At conferencing the participants were asked to consider sixteen questions that had been posed by the planning witnesses for the various parties to the appeals. The two relevant questions for me were questions 15 and 16.

15. At the conclusion of conferencing, a joint witness statement dated 22 November 2021 was prepared and signed by all attending experts (**JWS**). The agreed conclusions on questions 15 and 16 are recorded in that joint witness statement, which I attach as RCT-2.

16. I confirm the conclusions as set out in the JWS remain my expert opinion.

CONFIRMATION OF REASONING IN JWS – STUDIES ON SHEEP INTERACTION WITH STREAMS

17. To assist the Court, I have been asked to set out the reasons for my views in the JWS and other conclusions as to sheep interaction with waterways. These reasons are those set out in my will say statement dated 1 November 2021.

18. A 60kg non-pregnant ewe has a metabolizable energy maintenance requirement of 9.0 MJ/kg DM/day (Rattray et al. 2017). If the pasture ME content is 11 MJ/kgDM, the ewe would need to consume 0.82 kg DM/day (9.0 MJ/kgDM ÷ 11 MJ/kgDM) to meet their maintenance requirements. If the average water content of pasture was 85%, the DM content of the pasture would be 15%. In order for the ewe to consume 0.82 kg DM/day she would need to consume 5.5 kg of pasture (100 kg ÷ 15 kgDM × 0.82 kgDM). If the dry matter content of the pasture is then removed from the wet weight, the ewe would have consumed 4.65 L of water per day (5.5 kg – 0.82 kgDM). Theoretically, this is at the top end of the reported water intake requirements of adult non-pregnant sheep in a temperate environment of between 2 and 4.6 l/day (Freer and Dove 2002). This means that the need

for sheep to access drinking water either from a trough or stream is limited as most of its water needs can be obtained from pasture.

19. I am not aware of any specific Southland studies that have examined sheep behaviour around, and interaction with, a natural waterway. I believe that the recent studies conducted at Massey University (paragraphs 18 to 23) are the first to investigate both sheep behaviour and the impacts on measures of water quality. In my opinion the results generated in the Manawatu are generally applicable nationwide due to the commonality of behaviour between sheep breeds.

20. A series of studies were conducted at Massey University's Tuapaka farm in the winter of 2019 (16/08/2019 to 30/08/2019 as reported in Bunyaga et al. 2020) and in the summer (10/02/2021 to 23/02/2021, unpublished) and autumn of 2021 (07/04/2021 to 20/04/2021, unpublished). The studies utilised a site on Massey University's hill country farm, Tuapaka. The farm was located 15 km north-east of Palmerston North in the Manawatū region of New Zealand (40.3346° S, 175.7316° E). The study site was a gully paddock that contained an unfenced 6th order natural stream (Hughes et al. 2011) which was downstream of two watersheds (watershed 1 = 4.1 ha and 2 = 361 ha; Fig 1). The study site had been previously characterised using LiDar to provide digital elevation data. Surveillance video cameras and trail cameras were placed along the length of the stream to record sheep behaviour within the stream zone (defined as 3 m either side of the stream). The stream zone was 8% of the entire study area. A weather station was located on the farm which recorded hourly observations of ambient temperature (°C), relative humidity (%), rainfall (mm), solar radiation ($MJ/mÂ^2$) and wind speed (m/s).

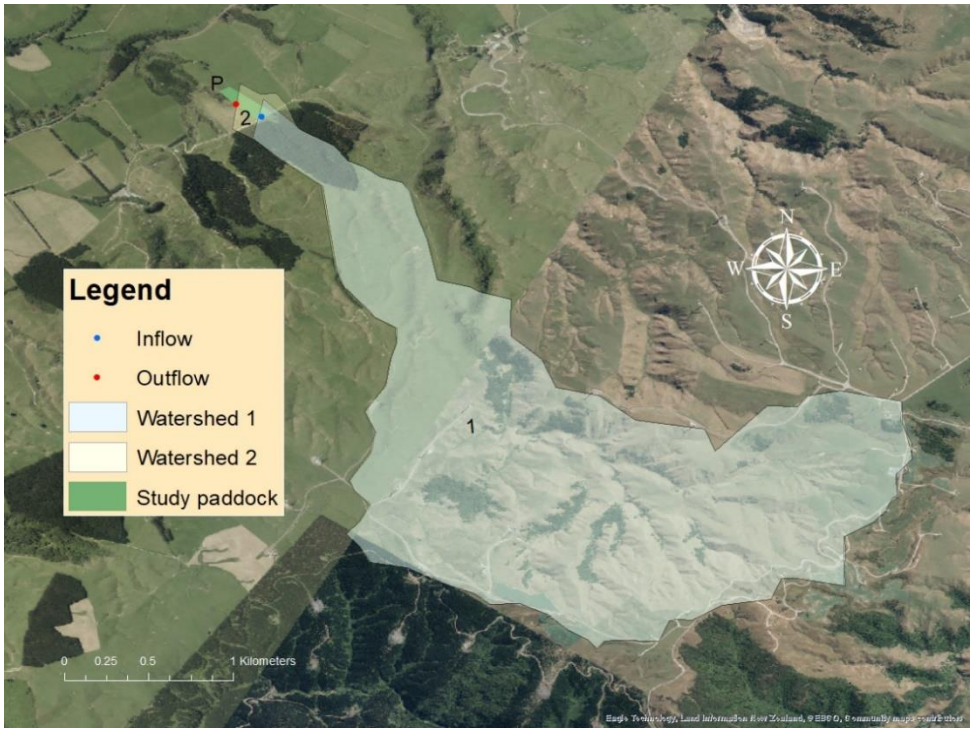


Figure 1. Satellite image of the location of the study site in relation to watershed 1 and 2 and showing the locations that the natural stream entered and exited the paddock

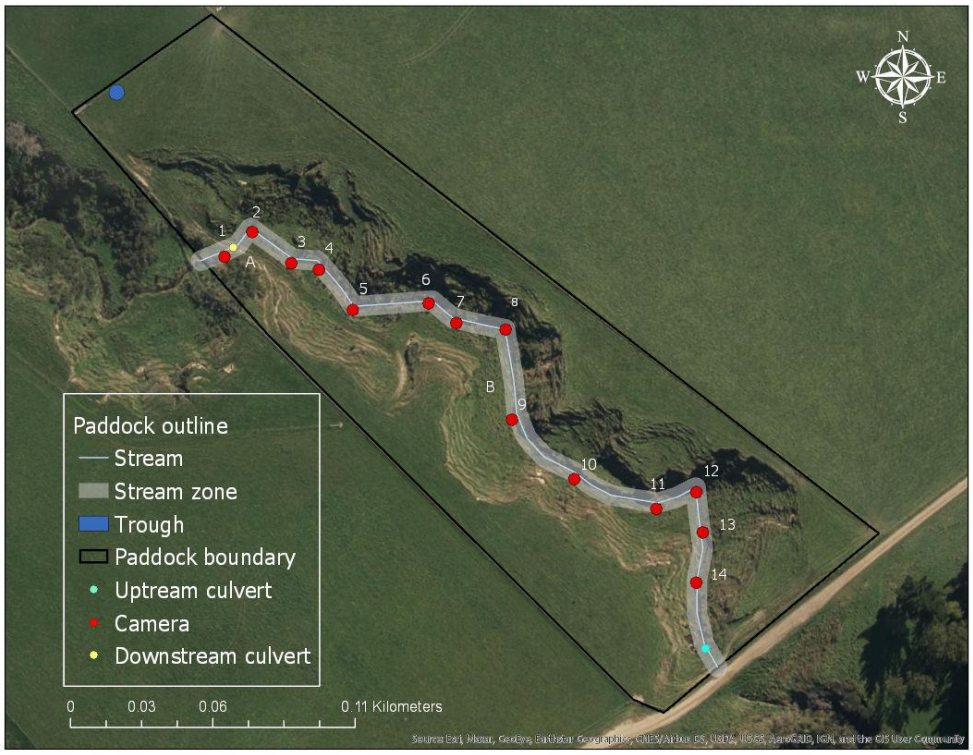
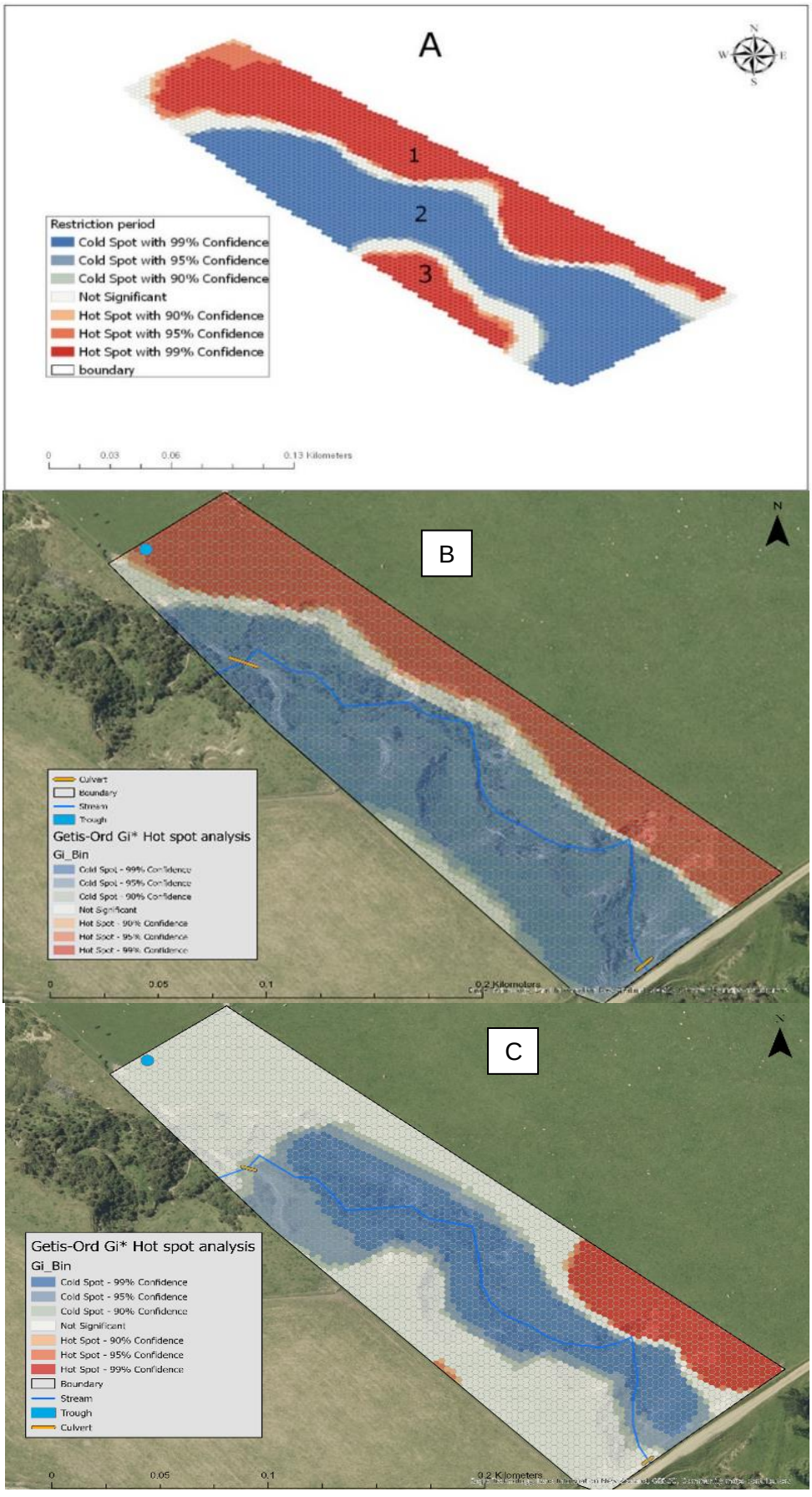


Figure 2. Satellite image of the study site showing the stream and locations of the surveillance and trail cameras along the stream.

21. During each study 40 mixed age ewes (3 to 5 years of age) were fitted global positioning system (GPS) units, triaxial accelerometers that contained Bluetooth® proximity loggers and a uniquely numbered neck collar. In addition, each ewe was marked with their GPS unit number in large numbers on their flank using stock spray to allow identification from video footage. GPS units were set to record locations as longitude and latitude either every one minute or when the animal had moved 5 m (whichever came first). During each study ewes were given access to the water trough (unrestricted) for the first week of the observation period and were restricted from accessing the trough (restricted) during the second week.

22. During all three studies there were statistically fewer ($P<0.05$) GPS locations recorded in the stream zone than the remainder of the paddock. The stream zone covered 8% of the area of the study site, however, in the winter, summer and autumn the stream zone contained only 1.0%, 1.8% and 1.3% of all GPS locations, respectively. A Getis-Ord hotspot analysis was run for each season and showed that the stream zone was consistently classified as a cold-spot (lower spatial clustering of GPS locations than average for the paddock; Fig 4).


A
1
2
3
Restriction period
Cold Spot with 99% Confidence
Cold Spot with 95% Confidence
Cold Spot with 90% Confidence
Not Significant
Hot Spot with 90% Confidence
Hot Spot with 95% Confidence
Hot Spot with 99% Confidence
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Getis-Ord Gi* Hot spot analysis
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Hot Spot - 90% Confidence
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Hot Spot - 99% Confidence
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Figure 3. Hot spot analysis of the study site during a period when access to the water trough was restricted showing the density of ewe locations of 40 ewes recorded in winter 2019 (A), summer 2021 (B) and autumn 2021 (C). Red areas indicate statistically significant ($p<0.05$) high spatial clustering of GPS locations (large positive z-scores). Blue areas indicate statistically significant ($p<0.05$) low spatial clustering of GPS locations (small negative z-scores). White areas indicate random distribution with no spatial clustering.

23. In winter 2019 the slope of the paddock (Fig. 4) influenced the ewe GPS locations. Of the GPS locations recorded, 71% were in flat (0-3°), undulating (4-7°) and rolling (8-15°) areas. The percentage of locations recorded in strong rolling (16-20°), moderately steep (21-25°) and steep slopes (26-35°) were 7, 9 and 11%, respectively. Only 1% of locations were recorded in very steep (35-75°) areas of the paddock.

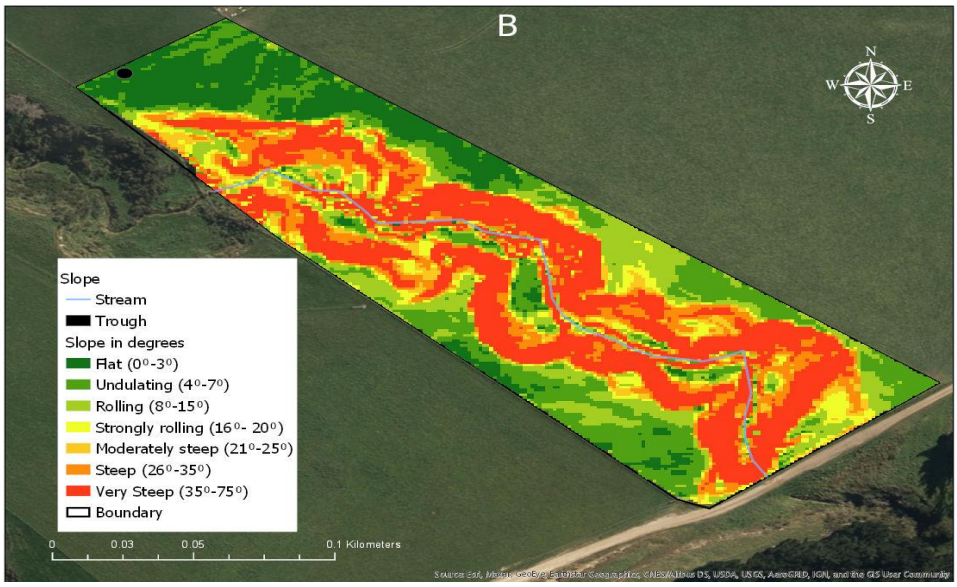

Figure 4. Satellite image of the study site showing the areas of each slope category

24. In winter, video surveillance footage showed that when ewes were within the stream zone they spent 68% of their time grazing, 11.2% walking and 2.2% interacting with the stream by either sniffing or drinking water. Of the 216 behavioural observations recorded over the two-week study period only one showed a ewe walk in the stream (Bunyaga et al 2020). During the summer study twenty ewes were not observed to drink from the stream at any time during the entire two-week observation period. Thirteen ewes were observed to drink once and five ewes that drank more than once (up to a maximum of five occasions). Observations of ewe drinking were made on 47 occasions with a mean drinking duration of 12.7 seconds. Of the 1,367

behaviour observations made in summer, sheep were observed to walk in the stream on 190 occasions. In autumn, 32 ewes were not observed to drink during the entire study period with six ewes that drank once each and two that drank on more once. In autumn of the 1,315 behavioural observations ewes were observed to walk in the stream on 170 occasions.

25. During the winter study, 39 of the 40 study ewes were recorded to cross the stream at the culvert during the two-week observation period. Video footage from the downstream culvert showed that there were 304 videos of ewes in the area, of these 235 showed ewes crossing the stream at the culvert and 69 ewes grazing to one side.

26. I have undertaken three studies alongside a masterate student in the Manawatū region during autumn, winter and spring to determine the impact of restricted access to a water trough on weaned lamb (autumn) and ewe (winter and spring) live weight gain and body condition. In those studies, the moisture content of pasture ranged between 70 and 85%. In all three studies animals that were restricted from accessing the trough showed no signs of dehydration (data not yet published, masterate thesis available).

27. Due to the high moisture content of New Zealand pastures in autumn, winter and spring there is little need for sheep to access waterways to drink. In winter, there were only five occasions amongst the 216 behavioural observations in which ewes were observed to drink water.

28. Sheep are known to be conservative grazers and treat new plant types with caution. Sheep will preferentially graze plant species they know and recognise before trying other plant types. Sheep will eat only small amounts of new plants and quickly reject them there is a negative response (Lynch et al 1992). Sheep are unlikely to graze wetland species unless they are under nutritional stress or there are no familiar plant species in their environment.

CONCLUSION

29. Based on the behaviour of sheep around the waterways in winter and summer sheep spend little time near waterways. In winter sheep interacted very little with the waterway but did more so in summer. Given the short

periods of time ewes spent drinking in summer, the fencing of waterways to prevent sheep accessing the stream is likely to have little impact on the number of occasions a sheep would access a waterbody.

R Corner-Thomas

20 December 2021

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RCT-1

Curriculum Vitae Rene Corner-Thomas

1a. Personal details				
Full name	*Title* Dr	*First name* Rene	*Second name(s)* Anne	*Family name* Corner
Present position	Senior Lecturer			
Organisation/Employer	Institute of Veterinary, Animal and Biomedical Science, Massey University			
Contact Address	Private Bag 11222			
	Palmerston North			
			Post code	4442
Work telephone	+64 6 951 8179	**Mobile**	+64 27 645 3279	
Email	r.corner@massey.ac.nz			

1b. Academic qualifications

2003 - 2007: PhD (Animal Science), Massey University
1999 - 2002: MVS (Epidemiology), Massey University
1996 - 1998: BSc, Melbourne University

1c. Professional positions held

January 2018 – present: Senior Lecturer, International Sheep Research Centre, Massey University
April 2015 – December 2017: Lecturer, International Sheep Research Centre, Massey University
March 2012 - March 2015: Research Officer, International Sheep Research Centre, Massey University
October 2007 - March 2012: Research Officer, Estendart Ltd, Palmerston North
2002 - 2003: Research Assistant, Animal Welfare and Bioethics Centre, Institute of Food Nutrition and Human Health, Massey University

1d. Present research/professional speciality

My research focuses primarily on ewe and hogget productivity in both a biological science level but also aimed providing applied/farm systems information to farmers. Specifically, nutrition and use of alternative forages to improve live weight gains in ewe and lambs, improving ewe longevity and welfare, investigating the cause of fetal losses in ewe hoggets, triplet lamb behaviour and how that influences survival, indicators of welfare of sheep, effects of body size on production in sheep.

1e. Total years research experience	12 years

1f. Professional distinctions and memberships (including honours, prizes, scholarships, boards or governance roles, etc)

2019 to present: President of the New Zealand Society of Animal Production committee
2016 to present: member of the MU Animal Ethics Committee
2021 to present: member of the Kaiawhina Animal Ethics Committee
2003-2006: PhD Scholarship from the National Research Centre for Growth and development

1g. Total number of *peer reviewed* publications	Journal articles	Books, book chapters	Conference proceedings	Patents
	54		27	

2a. Recent Research publications

Peer-reviewed journal articles

1. Haslin, E., **Corner-Thomas, R.A**., Kenyon, P.R., Pettigrew, E.J., Hickson, R.E., Morris, S.T. and Blair, H.T., 2021. Breeding heavier ewe lambs at seven months of age did not impact their subsequent two and three-year-old ewe live weight and reproductive performance. New Zealand Journal of Agricultural Research, pp.1-16.

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4. Semakula, J., **Corner-Thomas, R.A.,** Morris, S.T., Blair, H.T. and Kenyon, P.R., 2021. The Effect of Herbage Availability, Pregnancy Stage and Rank on the Rate of Liveweight Loss during Fasting in Ewes. Agriculture, 11(6), p.543.

5. Haslin, E., **Corner-Thomas, R.A**., Kenyon, P.R., Molenaar, A.J., Morris, S.T. and Blair, H.T., 2021. Mammary Gland Structures Are Not Affected by an Increased Growth Rate of Yearling Ewes Post-Weaning but Are Associated with Growth Rates of Singletons. Animals, 11(3), p.884.

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8. Haslin, E., **Corner-Thomas, R.A.,** Kenyon, P.R., Morris, S.T. and Blair, H.T., 2021. Impacts of a heavier live weight at breeding on the morphology of mammary glands of non-dairy ewe lambs. Anim. Prod. Sci, 61, p.165.

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10. Ikurior S.J., Pomroy W.E., Scott I., **Corner-Thomas R.**, Marquetoux N., Leu S.T., 2020. Gastrointestinal nematode infection affects overall activity in young sheep monitored with tri-axial accelerometers. Veterinary Parasitology: 109188.

11. Semakula, J., **Corner-Thomas, R. A.**, Morris, S. T., Blair, H. T., & Kenyon, P. R., 2020. Predicting Ewe Body Condition Score Using Lifetime Liveweight and Liveweight Change, and Previous Body Condition Score Record. Animals, 10(7), 1182.

12. Semakula, J., **Corner-Thomas, R. A.**, Morris, S. T., Blair, H. T., & Kenyon, P. R., 2020. The Effect of Age, Stage of the Annual Production Cycle and Pregnancy-Rank on the Relationship between Liveweight and Body Condition Score in Extensively Managed Romney Ewes. Animals, 10(5), 784.

13. Ekanayake, L. J., **Corner-Thomas, R. A.**, Cranston, L. M., Kenyon, P. R., & Morris, S. T., 2020. Lambs Weaned Early onto a Herb-Clover Mix Have the Potential to Grow at a Similar Rate to Unweaned Lambs on a Grass-Predominant Pasture. Animals, 10(4), 613.

14. Ikurior S.J., Pomroy W.E., Scott I., **Corner-Thomas R.**, Marquetoux N., Leu S.T., 2020. Gastrointestinal nematode infection affects overall activity in young sheep monitored with tri-axial accelerometers. Veterinary Parasitology: 109188.

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18. Ye, Y., Schreurs, N., Johnson, P., **Corner-Thomas, R.,** Agnew, M., Silcock, P., Eyres, G., Maclennan, G., Realini, C., 2020. Carcass characteristics and meat quality of commercial lambs reared in different forage systems. Livest. Sci. 232, 103908.

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24. Haslin, E., **Corner-Thomas, R.,** Kenyon, P., Morris, S., Pettigrew, E., Hickson, R., Blair, H., 2019. BRIEF COMMUNICATION: Impacts of live weight of ewe lambs at mating on their reproductive performance. New Zealand Journal of Animal Science and Production 79, 87-90.

25. Kok, J., Schreurs, N., Cranston, L., **Corner-Thomas, R.,** Ekanayake, W., Morris, S., Kenyon, P., 2019. BRIEF COMMUNICATION: Comparison of meat quality characteristics of lambs weaned at eight or 14 weeks of age grazing perennial ryegrass-white clover pasture or a plantain-clover mix. New Zealand Journal of Animal Science and Production 79, 159-161.

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Expert Conference – Land Management / Farm Systems

Topic: Proposed Southland Water and Land Plan – Southland Regional Council

Date of conference: 22 November 2021

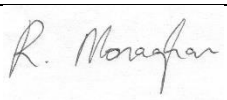
Venue: Remote AVL

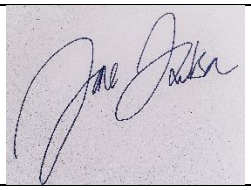
Facilitator: Anne Leijnen

Recorder: Isabelle Harding

Attendees

1. Witnesses who participated and agreed to the content of this Joint Witness Statement (JWS) by signing it on 22 November 2021

Name	Employed or engaged by	Signature
Dr Rene Corner-Thomas	Beef + Lamb NZ	
Tom Orchiston	Beef + Lamb NZ	
Cain Duncan	Fonterra	
Anna Wilkes	Ravensdown	
Dr Antony Roberts	Ravensdown	Ants Roberts
Dr Ross Monaghan	Southland Regional Council	
Dr Ton Snelder	Southland Regional Council	
Dr Dawn Dalley	DairyNZ	
~~Sarah Elmes~~	~~Ballance~~	
~~Jim Risk~~	~~Ballance~~	
Kate McArthur	Fish and Game / Forest and Bird	

Jane Kitson	Nga Runanga	
~~David Stevens~~	~~Beef + Lamb NZ~~	

2. For ease of reference throughout this JWS, all experts had some relevant expertise in land management except the following:

- Dr Ton Snelder is a water quality expert, not farm systems expert
- Jane Kitson is an ecologist/water quality expert, not a farm systems expert
- Dr Rene Corner-Thomas is an animal scientist, not a farm systems expert
- Kate McArthur is an ecologist/water quality expert, not a farm systems expert

3. David Stevens was excused from the conference and did not attend.

Environment Court Practice Note

4. All participants confirm that they have read the Environment Court Consolidated Practice Note 2014 and in particular Section 7 (Code of Conduct, Duty to the Court and Evidence of an expert witness) and Appendix 3 – Protocol for Expert Witness Conferences and agree to abide by it.

5. Dawn Dalley has acknowledged that she is an employee of DairyNZ and may not be considered to be independent simply because of that employee status. Notwithstanding that, she confirms that she prepared and will present her evidence in all other respects as an independent expert in compliance with the Code of Conduct.

6. Dr Jane Kitson acknowledges that she is a member of Te Runanga o Oraka-Aparima and also whakapapa to Te Runanga o Awarua and Waihopai Runaka. She notes that her expertise is partially derived from those cultural associations. She recognises that whilst she is of Ngāi Tahu descent, she is required to be impartial and unbiased in her professional opinions expressed.

7. Dr Rene Corner-Thomas acknowledges that she is an employee of Massey University and can confirm that she has prepared and will present unbiased and impartial evidence as an expert in compliance with the Code of Conduct.

Experts' qualifications and experience

8. These are set out in each experts' statement of evidence.

Purpose of expert conference

9. The purpose of the expert witness conferencing is to enhance the efficiency of the court hearing process by providing for expert witnesses to confer and identify the issues on which they agree, with reasons. They are also to clearly identify the issues on which they do not agree and give reasons for their disagreement. This will enable the court to focus primarily on matters that remain in dispute, while understanding the basis for agreed matters.

Attachments to this JWS

10. Attached to this JWS is answered questions from the from the Farm systems/Water quality experts to the Planning experts.
11. Appendix N.

Conference outcomes

12. The Farm Systems conference answered a number of technical questions that was provided by the Planning experts.

Attachment one – questions to the Farm system experts:

1. ***To what extent will there be water quality improvements achieved by farming in accordance with farm environmental management plans prepared and implemented under Appendix N?***

   An analysis that shows the net benefit to water quality improvements from implementing FEMP's would be complex. It is possible to evaluate these benefits. However, this expert group is unable to quantify the extent of water quality improvement based on the implementation of Appendix N. We can say with certainty, that the implementation of Appendix N practices on farm will reduce losses of contaminants in Table 1. However, ultimately the overall effect will depend on how well all farms within a catchment can address these losses.

   Table 1:

Attribute	***Mitigation change/improvement potential***	***Agreement/disagreement***
Phosphorus, sediment, microbial pathogens	- Appendix N would be effective at achieving some improvements. - Except for, Mole-pipe drains soils where there will continue to be significant sources of P, sediments and faecal loss from farms in catchments where these soils occupy a significant proportion of area. Some of the actions in Appendix N can reduce but will not eliminate these losses.	- *All agree to the extent that expertise allows.* - *R.C has no opinion*
Nitrogen	- Measures in the Plan may not change nitrogen leakages as nothing specifically addresses this. - There is an implicit expectation that the measures in the plan will reduce leakages in Nitrogen, but this is not explicit. The Plan should contain additional incentives to reduce nitrogen leakages. - Explicit references are needed in farm management plans that will manage N losses. Clear objectives are needed in Appendix N and Farm plans should deal with nitrogen as a key component (if degraded catchments for N) - Certification, audit process should help to get water quality improvement. - There are measures in place in Appendix N via provisions 5(c)	- *A.W agrees with the last statement* - *C.D agrees with last statement* - *D.D agrees with the last statement* - *T.O has no opinion* - *KM agrees* - *AR agrees with last statement* - *JK agrees*

	and 6(a) and (b) to specifically deal with nutrient losses and their reduction. This could be strengthened by 5(c) specifically referencing nitrogen as a contaminant where losses need to be avoided or minimised.	
Habitat (instream)	*KM suggests the science experts should fill in the remainder of this table in conferencing.*	*JK agrees*
Habitat (outstream/riparian margins)		
Aquatic health		
Considerations for taonga species and mahinga kai species		
Human health aspects		
Connection to place/understanding what it was		
All water types (groundwater, springs, drains that were streams, wetlands)		
Biodiversity components		

2. Would Farm Environment Management Plans under Appendix N deliver water quality improvements that progress Te Mana o te Wai?

To some degree it will approve the holistic wellbeing of that waterbody. To what extent is unknown. Eventually over time this, could be determined.

Te Mana o Te Wai is a fundamental freshwater management principle that recognises the mauri of the water and places the priority on holistic health and the wellbeing of the water. The mauri sustains the hauora (health) of the water. Hauora is both a continuum and a state with the desired outcome progressing towards this.[1] It would make more sense for this question to use 'hauora' rather than 'Te Mana o Te Wai'. Farm environment plans under Appendix N may deliver water quality improvements, however, this does not "progress" Te Mana o Te Wai as giving effect to Te Mana o Te Wai requires the health of waterbodies to be the first priority.

T.O has no opinion
R.C has no opinion

[1] MEMORANDUM OF COUNSEL FOR NGĀ RŪNANGA REGARDING CULTURAL INDICATORS OF HEALTH JWS Water Quality and Ecology (River and Lakes) Sept 2019

A.R has no opinion

3. Could improvements from an implementation perspective be made to Appendix N?

Appendix N could be improved with clearer objectives. Implementation will be driven through objectives which people will be required to document and implement. Existing guidance helping to inform those developing FEMP's needs to be brought together (consolidated) and additional guidance needs to be developed for addressing hauora, including ecological health.

Wherever physiographic zones are mentioned in Appendix N, it should always also reference the variants.

KM has no opinion on the statements below here.
Timeframe and measurement wording in 6(c) and (d) require clarification as can be interpreted several ways.

It is impossible for farmers to measure leakages but can document inputs or record completion of specific actions. Research on the impact of specific mitigations/actions on water quality in FEMPs, is a way of estimating improvements.

Is ensuring the implementation of mitigations rather than measuring water quality outcomes the purpose of 6(d)? Suggested change to wording of 6(d): Records to be kept for demonstrating mitigations have been actioned and are achieving the objectives

Is the intent for FEMPs to deliver continuous improvement, driven by the audit framework proposed, appropriately reflected in Appendix N and elsewhere in the Plan?

T.O has no opinion
R.C has no opinion
T.S has no opinion
JK has no opinion

4. How can Ngāi Tahu indicators of health be incorporated into Appendix N? What would their purpose be?

Indicators would be useful for farmers to understand hauora. Section 3 requires land owners to understand the locations of attributes of hauora. With the aim to progress towards hauora, incorporating Ngāi Tahu indicators of health somewhere in the Plan will be needed and should be referenced by Appendix N.

Is cultural degradation part of the consideration of what sites are degraded? Will sites that are assessed as culturally degraded be listed in Schedule X? The journey towards hauora would require them to be in the Plan.

T.O has no opinion

R.C has no opinion
A.R has no opinion
A.W has no opinion
D.D has no opinion
C.D has no opinion
R.M has no opinion
T.S has no opinion

5. ***How do you think hauora can be recognised and monitored through Appendix N and farming practice? Are additional tools, methods and/or indicators needed? If so, what should be included?***

Making sure the objectives of Appendix N adequately address hauora (including ecological health). Objectives 5(c), (d) and (f) do not currently do this. The paragraph after 5(f) is unnumbered and could be strengthened to include objectives around hauora (including ecological health).

There is a need to incorporate and/or reference cultural indicators of health into Appendix N.

Listing the different freshwater features: springs need to be included in part 3(b).

K.M has concern surrounding ephemeral streams and whether their ecological values are captured in the Plan.

T.O has no opinion
R.C has no opinion
T.S has no opinion
R.M has no opinion
A.R has no opinion
A.W has no opinion
D.D has no opinion
C.D has no opinion

6. ***Does the current resourcing in the Southland's farm systems advice sector have the capacity to deliver on the FEMPs now or will there be a lag in implementation?***

Resourcing exists in the dairy sector for FEMPs to be delivered without significant lag.
Certification of advisors to deliver the FEMP's will need to be in place in a timely manner and relies on approval from SRC.
Define a lag? Staggering of FEMP preparation would be advantageous to spread the workload of both the advisors and auditors, especially given auditing is proposed for 12 months after the development of the FEMP.
Will the council be sufficiently resourced to either provide auditors for FEMP's or certify advisors to complete the auditing?
Nutrient budget and risk assessment tools already exist but these also require approval from SRC before the FEMP's could be completed
Not likely to be a significant problem.

Adequate resourcing for farmers.

J.K has no opinion
R.C has no opinion
K.M has no opinion
T.S has no opinion
T.O has no opinion

Setbacks for cultivation

7. ***Rule 25 (cultivation) regarding effectiveness of setback differences: how much more effective at reducing sediment and nutrient runoff would it be to have 10m for 4-16 degree slopes and 20m above 16 degree slopes than the current suggestion of 5m up to 10 degree slopes and 10m between 10 and 20 degree slopes?***

Quantification of the effectiveness of different setback widths on reducing contaminant runoff is a question for science.

Setback buffers should ideally be delineated where convergent runoff flow occurs i.e. CSAs; edge-of-field set distances for setbacks is a less efficient way of achieving a good outcome (takes out a lot of productive land, potentially)

No amount of buffer will prevent contaminants reaching water in high intensity storms

Buffer size will be important because the wider buffer the more productive land is removed from the farm business. However, wider buffers are more effective at capturing fine sediment and adsorbed nutrients/microbes (KM).

Buffer length is probably an important consideration - long narrow buffers in zones of convergent flow (such as gullies and swales) have been shown to be effective (60-70%) for reducing sediment and P transport.

Outside of CSAs a minimum buffer width is still required for paddocks not bisected by flow paths (CSAs) to capture sediment flows from paddocks to waterways.

K.M stated that a 10m grass buffer is highly effective at capturing fine sediment before it reaches water (Lui et al. 2008) however research cited in LandCare Report (envirolink.govt.nz) reported that a 5m buffer will remove 70% of sediment (Death 2018) (D.D). As stated above, quantification of the impact of buffer width on contaminant loss needs to be addressed in the Science conferencing. Discussion on the farm system impacts of alternative buffer options will be readdressed by the Farm System experts at their next conferencing following feedback from the Science group and additional information provided by the Planners (see NB below).

NB - Planners to prepare summary of Rule 25 and cultivation definition for the next conference.

A.W defers to those with greater expertise in this matter.
R.C has no opinion

T.O has no opinion
T.S has no opinion
J.K has no opinion

Critical Source Areas

If the suggested definition for critical source areas is: a landscape feature like a gully, swale or a depression that accumulates runoff (sediment and nutrients) from adjacent flats and slopes, and delivers it to surface water bodies (including lakes, rivers, artificial watercourses and modified watercourses) or subsurface drainage systems.

8. Does this definition miss any landscape features that could be a critical source area?

Laneways, stock camps, silage pits, fertiliser storage areas and drain/waterway crossings are potential critical source areas for contaminants, However, these are different in terms of the way they are managed with regards to reducing the losses compared to critical source areas such as a gully or swale).

Location of non-landscape features should be included in part B 3, e.g silage pit, fertiliser storage areas, laneways.

R.C has no opinion
KM remains concerned that ephemeral streams are not specified and their ecological values captured.

9. What are the factors that determine the riskiness of critical source areas?

If CSAs are landscape features where source and transport factors overlap the following factors will influence the risk:

Size of catchment contributing to the critical source area,
Slope and slope length of catchment contributing to the critical source area,
Soil properties which contribute to erodibility in particular,
Soil property in relation to the imperviousness of it,
Land use and management occurring in the vicinity of the critical source area,
Climate factors, e.g rainfall erosivity,
Presence of protective plant cover,
Proximity of the CSA to a waterbody,

R.C has no opinion

10. Are some critical source areas riskier than others?

Yes. Refer to above.

Some examples of riskier CSAs are:

1. grazed winter forage crops, where plant cover has been removed and soil has been subjected to treading damage, or

2. near-stream animal camping areas, where large quantities of animal excreta may be deposited

R.C has no opinion

11. What is the best way of determining what/where a critical source area is?

a) Physical mapping during wet conditions,
b) Google/aerial maps/GIS,
c) Visual observation,
d) LIDAR mapping,
e) Hydrologically based modelling e.g., LUCI Ag, Mitigator can assist in identifying CSAs.

CSA's need to be validated/confirmed in the field during the FEMP development process, however other methods can be used to help in their identification. Identification of CSA's cannot just rely on modelling/maps.

R.C has no opinion

Intensive Winter Grazing

12. Is reducing or restricting mob size (i.e., no more than 120 cattle or 250 deer) important for avoiding or mitigating adverse effects of IWG (assuming the same stocking density)? Could there be perverse outcomes for water quality? If stocking density is a more critical factor to the extent of adverse effects, is there a simple measure for that?

Reducing or restricting the mob size is not important in IWG because the stocking density is dictated by the yield of the crop and/or the amount of crop being allocated per animal per day.

Perverse outcomes on water quality are possible if mob size is restricted based on the following:

- more individual mobs under IWG at one time therefore potentially more critical source areas to be managing
- with more smaller mobs grazing through paddocks will take longer for individual paddocks to be fully grazed, reducing the opportunity to implement catch crops as a mitigation for N, sediment and P losses
- more mobs will increase the complexity of developing and implementing adverse weather plans, potentially increasing the environmental risk

A simple measure for stocking density could be square metres per animal between the front fence and the back fence. The challenge for this approach is there is no data defining the optimal square metres required to minimise any adverse environmental effects.

J.K has no opinion
R.C has no opinion
K.M has no opinion
A.W has no opinion
T.O has no opinion
T.S has no opinion

13. ***If intensive winter grazing is to occur in a critical source area, what controls and restrictions should be in place to result in minimising sediment and nutrient loss? Are there any practices that could be adopted that make this appropriate?***

The preference would be to not winter graze a critical source area.

If undertaking this high-risk activity these practices would be required;

- not planted in crop and exclusion of animals from the non-planted area,
- implement last bite grazing of the CSA in low-risk conditions,
- bunds or sediment traps installed for any losses after grazing.

J.K has no opinion
R.C has no opinion
K.M has no opinion
A.W agrees with the first statement and has no opinion on the second statement.
T.O has no opinion
T.S has no opinion

14. ***Is it possible to increase the land area subject to IWG from 10% to 15% of the farm area without increasing losses of nitrogen, phosphorus, sediment or microbiological contaminants from the subject land?***

Yes, providing;

1. Other practices are implemented that mitigate any potential increases in nutrient loss risk. And/or,
2. Crop type was changing to one with a lower environmental footprint. e.g going from a brassica to fodder beet (specifically in relation to nitrate leaching losses) And/or,
3. Wintering system type was changing. e.g from crop based to pasture based (in relation to sediment and phosphorus, and potentially nitrogen, because of plant material left after grazing). And/or,
4. Adoption of minimal/nil tillage crop establishment (sediment loss)

And providing that an appropriate and robust assessment process can verify that these measures will at least offset the (otherwise) expected increases in contaminant discharges if winter grazing areas are increased from 10 to 15%.

J.K has no opinion
R.C has no opinion

K.M has no opinion
A.W defers to those with greater expertise in this matter.
T.O has no opinion
T.S has no opinion

Stock Exclusion (sheep)

15. How do sheep behave and what are the potential adverse effects of sheep in and around natural wetlands and what risk to water quality and impacts on vegetation in natural wetlands do sheep present? How are those potential adverse effects best managed? For example, is fencing required? Where? What type?

Sheep have a low risk of depositing urine/faeces into waterways and wetlands. They may enter these areas under nutritional stress. There is a small risk they would have an adverse impact on water quality (if well-fed). This can be managed with a FEMP. There is limited research on grazing behaviour of native species. Based on nutritional information of native grasses, there is the suggestion that sheep will have a limited impact on native vegetation. – R.C, T.O

Potential adverse effects can be appropriately managed by farm plans (FEMP) that may include practices such as,restricting access during periods of nutritional stress, strategic locations for culverts and crossings, potentially supplementary feeding and the location for that feeding, reticulated water sources, appropriate shelter, stock exclusion at certain times (fencing or other methods), natural topography (to an extent). – R.C, T.O

Sheep do pose a risk to water quality, generally with regard to overland flow rather than direct deposition into waterways although the authors note that direct deposition research is ongoing (Moriarty and Gilpin (prepared for Environmental Southland by ESR, Report number: CSC17002, URL: Sheep as a potential source of microbial contamination in Southland.pdf es.govt.nz)) – K.M

Fencing will not deal with E. coli contamination from sheep via overland flow, other measures will be required.

R.M strongly suggests that the expertise of other suitably qualified experts is sought to guide the question 15 about how sheep behave and potential adverse potential adverse effects of sheep in and around natural wetlands and what risk to water quality and impacts on vegetation in natural wetlands do sheep present? How are those potential adverse effects best managed? For example, is fencing required? Where? What type?
R.C disagrees
T.O disagrees

There are difficulties in applying the definition of a natural wetland in the NESFM. There is lack of definition of extent of natural wetlands, “in and around natural wetlands” is also uncertain.

T.S has no opinion

D.D has no opinion
A.W has no opinion
C.D has no opinion

16. What are the differences in fencing required to exclude sheep from freshwater bodies compared with other stock? What are the cost differences associated with those differences?

Fences required to keep cattle out of water ways may be as minimal as a 2-wire electric. MPI (2016) estimated the costs of this type of fence on flat land to be approximately $4.70/m, on rolling land to be $4.90 and on steep land to be $5.90/m. By comparison a fence required to keep sheep out would be either 7 wire or netting with increased support between posts (in the form of battens or waratahs), being $12.00/m, $12.60/m and 16.00/m on flat rolling and steep land respectively. Since those costs were produced, the cost of labour has risen approximately 30% (Statistics NZ) and the cost of materials about the same (Goldpine pers com). A further complicating factor is the potential to have a much greater number of qualifying streams and wetlands as slope increases. This greatly accelerates the whole farm cost of fencing waterways. Using a topographic model to estimate this effect, estimates for sheep-type fencing increased from approximately $23,000 for a Beef + Lamb NZ Class 7 (breeding/finishing flat) farm of 226 ha, to approximately $1.1 million for a class 2 (steep hill country) farm of 1491 ha.

Sheep are a lot smaller and can fit through smaller gaps, so fences require more materials than a fence for dairy cattle for example.
Estimated current cost for 2-wire dairy fencing in moderate rolling country $15-20m per metre +GST,
Estimated current cost for 7 wire sheep fencing in moderate rolling country $25-30/m +GST

Fencing in certain areas may be impractical due to topographic limitations.

Earthworks could also be required at the time of fencing that may have associated impacts on freshwater ecosystem health and will increase costs.

T.S has no opinion
K.M has no opinion
J.K has no opinion
D.D has no opinion
C.D has no opinion
A.W defers to those with greater expertise in this matter.

Attachment Two

Appendix N – Farm Environmental Management Plan Requirements

A Farm Environmental Management Plan must be:

(1) A Freshwater Farm Plan prepared, implemented and audited in accordance with regulations prepared under Part 9A of the RMA and which apply within the Southland region, plus any additional information or components required by Parts B (3) and (6)(b) as below; or

(2) if Freshwater Farm Plans, under Part 9A of the RMA, are not yet required in the Southland region, a Farm Environmental Management Plan prepared and implemented in accordance with Parts A to C below.

Part A – Farm Environmental Management Plans

A Farm Environmental Management Plan (FEMP) can be based on either of:

1. the ~~material~~ default content set out in Part B below; or
2. industry prepared FEMP templates and guidance material, with Southland-specific supplementary material added where relevant, so that it includes the default ~~material~~ content set out in Part B below; or
3. A management plan and nutrient budget prepared in accordance with a condition of resource consent to discharge industrial wastewater onto land that is also used for farming activity, provided it includes the material set out in Part B below in relation to each farm receiving industrial wastewater'.

Part B – Farm Environmental Management Plan Default Content

~~1.~~ ~~A written FEMP that is:~~

~~(a) prepared and retained, identifying the matters set out in clauses 2 to 56 below; and~~

~~(b) reviewed at least once every 12 months by the landholding owner or their agent and the outcome of the review documented; and~~

~~(c) provided to the Southland Regional Council upon request.~~

2. The FEMP contains the following landholding details:
   (a) physical address; and
   (b) description of the landholding ownership and the owner's contact details; and
   (c) legal description(s) of the landholding; and
   (d) a list of all resource consents held for the landholding and their expiry dates~~.~~; and
   (e) The type of farming activities being undertaken on the property, such as "dairy" or "sheep and beef with dairy support".
3. The FEMP contains a map(s) or aerial photograph(s) of the landholding at a scale that clearly shows the locations of:
   (a) the boundaries; and
   (b) the physiographic zones (and variants where applicable) and soil types (or Topoclimate South soil maps); and
   (c) all lakes, rivers~~,~~/streams (including ~~ephemeral or~~ intermittent ~~flow paths~~ rivers/~~streams~~), ponds, artificial watercourses, modified watercourses and natural wetlands; and
   (d) all existing and proposed riparian vegetation and fences (or other stock exclusion methods) adjacent to waterbodies; and
   (e) places where stock access or cross water bodies (including bridges, culverts and fords); and
   (f) the location of all known subsurface drainage system(s) and the locations and depths of the drain outlets; and
   (g) all land that may be cultivated and land to be cultivated over the next 12-month period; and

(h) ~~all land that may be break fed and/or intensively winter grazed and the land to be planted for winter grazing for the next period 1 May to 30 September; and~~

(ha) all critical source areas not already identified above; and

(i) ~~for~~ land to be cultivated or intensively winter grazed, or break fed on pasture between 1 June and 31 July, ~~shows~~ and the slope[2] of the land and intended setbacks from any lake, river, artificial watercourses, modified watercourse or natural wetland and any other critical source areas; and~~:~~

~~(i) critical source areas; and~~

~~(ii) intended setbacks from any lake, river (excluding ephemeral or intermittent rivers), artificial watercourses, modified watercourse or natural wetland; and~~

~~(iii) land with a slope greater than degrees~~

(j) any areas of the land within a degraded catchment identified in Schedule X; and

(k) any heritage site recorded in the relevant district plan, on the New Zealand Heritage List/Rārangi Kōrero or on the New Zealand Archaeological Association website; and

(l) the presence of taonga species listed in Appendix M within water bodies on the farm (if known).

4. Nutrient Budget/Nutrient Loss Risk Assessment

For all landholdings over 20ha, the FEMP contains either:

(a) a nutrient budget (which includes nutrient losses to the environment) calculated, using a ~~the latest version of the OVERSEER~~ model ~~in accordance with the latest version of the OVERSEER Best Practice Data Input Standards (or an alternative model nutrient loss assessment tool~~ approved by the Chief Executive of Southland Regional Council); or

(b) a nutrient loss risk assessment undertaken using a nutrient loss risk assessment tool approved by the Chief Executive of Southland Regional Council~~);~~

and the Nutrient Budget or Nutrient Loss Risk Assessment is repeated: ~~which is repeated:~~

(~~a~~1) where a material change in land use associated with the farming activity occurs (including a change in crop area, crop rotation length, type of crops grown, stocking rate or stock type) at the end of the year in which the change occurs, and also every three years after the change occurs; and

(~~b~~2) each time the nutrient budget or nutrient loss risk assessment is repeated all the input data used to prepare it shall be reviewed by or on behalf of the landholding owner, for the purposes of ensuring the nutrient budget or nutrient loss risk assessment accurately reflects the farming system. A record of the input data review shall be kept by the landholding owner; and

(~~c~~3) the nutrient budget or ~~must be prepared by a Certified Nutrient Management Advisor and the~~ nutrient loss risk assessment must be prepared by a suitably qualified person that has been approved as such by the Chief Executive of Southland Regional Council.

5. Objectives of Farm Environmental Management Plans

A description of how each of the following objectives will, where relevant, be met:

(a) Irrigation system designs and installation: To ensure that all new irrigation systems and significant upgrades meet Industry best practice standards;

(b) Irrigation management: To ensure efficient on-farm water use that meets crop demands ~~and minimises losses~~, including through upgrading existing systems to meet Industry best practice standards, and ensuring that water and contaminant losses to waterbodies are avoided where practicable or otherwise minimised;

[2] Slope is the average slope over any 20 metre distance.

(c) Nutrient and soil management: To avoid where practicable, or otherwise minimise, nutrient and sediment losses from farming activities to ground and surface water, to maintain or improve water quality;

(d) Waterways and wetland management: To manage activities within waterways, critical source areas, natural wetlands, and their margins, ~~to~~by avoiding stock damage, and avoiding where practicable, or ~~and to~~ otherwise minimising inputs of nutrients, sediment and faecal contaminants to ground and surface water~~, to maintain or improve water quality~~

(e) Collected ~~animal~~ agricultural effluent management: ~~To manage the operation of animal effluent systems to avoid adverse effects on water quality avoid contaminant losses to water bodies do not have …adverse effects on water quality; contaminant losses to water bodies do not occur;~~ To manage ~~the operation of~~ collected agricultural effluent ~~management systems~~ in accordance with best industry practice, to ensure contaminants derived from collected ~~animal~~ agricultural effluent do not cause adverse effects on water quality.

(f) Drainage maintenance: To manage drainage maintenance activities to ensure contaminant losses to water bodies and damage to aquatic habitats are avoided where practicable, or otherwise minimised ~~significant adverse effects on water quality and aquatic habitat~~.

The FEMP may also identify additional objectives relevant to the farming activities or to address environmental risks identified in accordance with Part (6) below.

6. The description for (5) above shall include, for each relevant objective in 5 above:

(a) an ~~assessment~~ identification of the adverse environmental effects, and risks associated with the farming activities on the property, including, ~~where relevant,~~ consideration of the risks associated with the relevant physiographic zone/s ~~characteristics of the property,~~ and how the identified effects and risks will be managed ~~or~~ and mitigated ~~(i.e., 'mitigations')~~; and

~~and risks associated with the farming activities on the property and how the identified effects and risks will be managed; and~~

(b) where the farm is located within a degraded waterbody identified in Schedule X, the ~~measures~~ mitigations that ~~to demonstrate how farming activities~~ will achieve a reduction in the discharge of the contaminants where relevant to the farming activity that trigger the degraded status of the catchment; and

(c) defined mitigations that clearly set a pathway and timeframe for achievement of the objective; and

(d) the records to be kept for measuring performance and achievement of the objective; ~~target;~~ and

(e) identification of any specific mitigations ~~measures~~ required by a resource consent held for the property.

7. If any Intensive Winter Grazing is occurring on the landholding, the Farm Environmental Management Plan must also include an intensive winter grazing plan that ~~addresses~~ takes into account and responds to the risk pathways for the relevant physiographic zones. ~~that includes:~~

~~(a) downslope grazing or a 20 metre 'last-bite' strip at the base of the slope; and~~

~~(b) back fencing to prevent stock entering previously grazed areas; and~~

~~(c) transportable water troughs; and~~

~~(d) supplementary feed (including baleage, straw or hay) being fed in such a way as to prevent the supplementary feed being trampled into the ground, such as by placing the supplementary feed in portable feeders or behind an electrified wire; and~~

~~(e) limiting the mob size to no more than 120 cattle or 250 deer; and~~

~~5. Good Management Practices~~

~~The FEMP contains a good management practices section which identifies:~~

~~(a) the good management practices implemented since 3 June 2016; and~~
~~(b) the good management practices which will be undertaken over the coming 12-month period. These must include practices for:~~
~~(i) the reduction of sediment and nutrient losses from critical source areas, particularly those associated with overland flow;~~
~~(ii) cultivation (including practices such as contour ploughing, strip cultivation or direct drilling);~~
~~(iii) the use of land for intensive winter grazing (including those practices specified in Rule 20(a)(iii);~~
~~(iv) riparian areas (including those from which stock are excluded under Rule 70) and the type of riparian vegetation to be planted, how it will be maintained and how weeds will be controlled;~~
~~(v) minimising of the discharge of contaminants to surface water or groundwater, with particular reference to the contaminant pathways identified for the landholding.~~
~~Examples of general good management practices are provided on the Southland Regional Council, Dairy NZ and Beef and Lamb New Zealand websites and in the document146 titled "Industry-agreed Good Management Practices relating to water quality, Version 2, 18 September 2015".~~

Part C – Farm Environmental Management Plan Certification, Auditing, Review and Amendment

1. Farm Environmental Management Plan Certification
   (a) The FEMP must be certified, prior to implementation on the farm, by a Suitably Qualified Person (SQP) that has been approved as such by the Chief Executive of Southland Regional Council.
   (b) The purpose of FEMP certification is to confirm that the farming activities on the farm will be carried out in a way that will achieve the Objectives in this Appendix and will comply with any resource consent for the property.
   (c) The FEMP must be re-certified, prior to implementation, following any amendments to the FEMP carried out in accordance with Part C(3)(a) of this appendix.
   (d) Within one month of a FEMP being certified, a copy of the certified FEMP must be provided to the Southland Regional Council.

2. Auditing of the certified Farm Environmental Management Plan

   (a) Within 12 months of the landholding's first FEMP being certified, the landholding owner must arrange for an audit of the farming activities' compliance with the certified FEMP. Thereafter, the frequency of auditing will be in accordance with ~~the~~ any conditions of consents held for the landholding, or alternatively, where there are no consent or consent conditions requiring auditing, auditing timeframes associated with the audit grade assigned. *Note: Southland Regional Council will provide, on its website, a schedule of the auditing frequency required for ~~each~~ FEMP's based on the audit grade assigned to each landholding.*

   (b) The auditor must be a Suitably Qualified Person (SQP) that has been approved as such by the Chief Executive of Southland Regional Council and must not be the same person or from the same organisation that prepared the FEMP.
   (c) The auditor must prepare an audit report that:
      (i) sets out the auditor's findings;
      (ii) stating whether compliance has been achieved and the final compliance grade; and
      (iii) any other recommendations from the auditor.

(d) Within one month, of the final audit report being prepared, the audit report must be provided to the Southland Regional Council by the auditor.

3. Review and Amendment of the Farm Environmental Management Plan

The FEMP must be reviewed, by the landholding owner, or their agent, as follows:

(a) when there is a material change to the nature of the farming activities occurring on the landholding, and where that material change is not provided for within the landholding's certified FEMP; and

(b) at least once every 12 months; and

(c) to respond to the outcome of an audit.

The outcome of the review is to be documented and amendments to the FEMP must be made where Part C(3)(a) applies and in circumstances where the annual review identifies that amendments are required.